

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

STEVEN VOGT,	)	
	)	
Plaintiff,	)	Civil Action No. 17-1407
	)	Judge Arthur J. Schwab
v.	)	Chief Magistrate Judge Maureen P. Kelly
	)	
JOHN WETZEL, <i>Secretary of the Department</i>	)	
<i>of Corrections (Official &amp; Individual</i>	)	
<i>Capacity) and JOHN/JANE DOE, Mailroom</i>	)	
<i>Employee at S.C.I. Fayette (Official &amp;</i>	)	
<i>Individual Capacity),</i>	)	
	)	
Defendants.	)	

**ORDER OF COURT**

After Plaintiff Steven Vogt filed a complaint in the above-captioned matter, Defendant John Wetzel filed a Motion to Dismiss for Failure to State a Claim. ECF No. 10. A Report and Recommendation was filed by Chief United States Magistrate Judge Maureen P. Kelly for the granting of the Motion to Dismiss. Upon consideration of the Objections filed by Plaintiff, ECF No. 21, upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is ADOPTED as the opinion of this Court,

IT IS HEREBY ORDERED this 12<sup>th</sup> day of July, 2018, that the Motion to Dismiss is GRANTED. Plaintiff's Fifth and Fourteenth Amendment due process claims are DISMISSED WITH PREJUDICE. Plaintiff's First Amendment access to court claim is DISMISSED WITHOUT PREJUDICE to be refiled when and if ripe for adjudication. The Clerk of Court is directed to mark this CASE CLOSED.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if any party wishes to appeal from this Order a notice of appeal, as

provided in Fed. R. App. P. 3, must be filed with the Clerk of Court, United States District Court, at 700 Grant Street, Room 3110, Pittsburgh, PA 15219, within thirty (30) days.

By the Court:

/s/ Arthur J. Schwab  
United States District Judge

cc: Honorable Maureen P. Kelly  
Chief United States Magistrate Judge

All Counsel of Record Via CM-ECF